

### **REMARKS/ARGUMENTS**

In view of the amendments to the claims above and the remarks and arguments below, Applicant believes the pending application is in condition for allowance.

#### **I. Status of the Claims**

Claims 1-4, 12, 14, 19, 25-29, and 55-62 were previously pending.

Claims 1, 12, and 55 are amended in this Response to recite that the “catalyst capable of interacting with said metal-based surfactant is at least one material selected from the group consisting of metal oxides; metal hydroxides; metal alkoxides; chelated metal compounds; coordinated metal compounds; partial hydrolysis products of metal alkoxides; hydrolysis products obtained by treating a metal alkoxide with no less than a two-fold equivalence of water; organic acids; silanol condensation catalysts; and acid catalysts.” Support for the amendment can be found, for example, in now canceled claims 14 and 56, and in the Specification as originally filed on page 25, lines 16-22. No new matter is introduced by the amendment.

Claims 14 and 56 are canceled in this Response without prejudice to or disclaimer of the subject matter contained therein.

Claims 5-11, 13, 15-18, 20, 21, 30-34, 38-40, 43, 45-48, and 50-54 were previously canceled without prejudice to or disclaimer of the subject matter contained therein.

Claims 22-24, 35-37, 41, 42, 44, 49, and 63-67 have been withdrawn from consideration.

Upon entry of this Response, claims 1-4, 12, 19, 25-29, 55, and 57-62 are pending and at issue.

## **II. Withdrawal of Prior Claim Rejection**

Applicant appreciatively thanks Examiner Fletcher for the acknowledgment that the arguments Applicant presented in the Response filed on June 18, 2008, are persuasive, and for withdrawing the prior claim rejection accordingly.<sup>1</sup>

## **III. Claim Rejections under 35 U.S.C. § 112, ¶ 2**

Claims 1-4, 12, 14, 19, 25-29, and 55-62 are rejected under 35 U.S.C. § 112, ¶ 2 as indefinite. Specifically, the Examiner states that the recitation of “a catalyst capable of interacting with said metal-based surfactant” renders the claims indefinite because it is unclear whether or not interaction is actually required and what the nature and extent of the interaction should be.

Independent claims 1, 12, and 55, as amended, now recite:

said catalyst capable of interacting with said metal-based surfactant is at least one material selected from the group consisting of metal oxides; metal hydroxides; metal alkoxides; chelated metal compounds; coordinated metal compounds; partial hydrolysis products of metal alkoxides; hydrolysis products obtained by treating a metal alkoxide with no less than a two-fold equivalence of water; organic acids; silanol condensation catalysts; and acid catalysts.

Applicant respectfully submits that this element renders claims 1, 12, and 55 definite because it recites specific materials for the catalyst. Accordingly, Applicant respectfully requests that the rejection of claims 1, 12, and 55 be withdrawn.

Claims 2-4, 19, 25-29, and 57-62 depend from claim 1, 12, or 55. Further, the recitation in these dependent claims of “a catalyst capable of interacting with said metal-based surfactant” all originates from the respective parent claim. Therefore, for the same reason as stated above for claims 1, 12, and 55, Applicant respectfully submits that claims 2-4, 19, 25-29, and 57-62 are no longer indefinite. Accordingly, Applicant respectfully requests that the rejection of claims 2-4, 19, 25-29, and 57-62 be withdrawn.

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<sup>1</sup> Non-Final Office Action dated October 8, 2008, page 2, lines 5-7.

Claims 14 and 56 have been canceled in this Response, rendering the rejection of these claims moot.

### **CONCLUSION**

In view of the foregoing, it is believed that claims 1-4, 12, 19, 25-29, 55, and 57-62 are in immediate condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: December 30, 2008

Respectfully submitted,

By 

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